

Filed for intro on 01/17/2002

SENATE BILL 2427

By Haun

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 6, Part 1, relative to children of non-cohabitating parents.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-6-101(a)(2), is amended by deleting the following language:

Except as provided in the following sentence, neither a preference nor a presumption for or against joint legal custody, joint physical custody or sole custody is established, but the court shall have the widest discretion to order a custody arrangement that is in the best interest of the child. Unless the court finds by clear and convincing evidence to the contrary, there is a presumption that joint custody is in the best interest of a minor child where the parents have agreed to joint custody or so agree in open court at a hearing for the purpose of determining the custody of the minor child.

and substituting instead the following:

Unless the parents have agreed in open court to a different custody and parenting arrangement, there shall be a rebuttable presumption that joint physical and legal custody, and shared parenting is in the best interest of the child.

SECTION 2. Tennessee Code Annotated, Section 36-6-101(a)(2), is amended by adding the following language after the language "preponderance of the evidence." and before subdivision (3):

Joint physical custody shall mean that the parents shall have approximately equal amounts of time with the child but not less than forty percent (40%) of time with the child. Joint legal custody shall mean that the parents share decision-making rights, responsibilities and authority relating to the health, education, and general welfare of the child. Shared parenting shall mean joint physical custody and joint legal custody. Joint custody shall mean joint physical custody and joint legal custody.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.